

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

MICHAEL DALE ST. CLAIR,)	
)	
Plaintiff,)	
)	
v.)	Case No. CIV-05-105-T
)	
BRAD HENRY, <i>et al.</i> ,)	
)	
Defendants.)	

ORDER

On March 21, 2005, Plaintiff filed his third amended complaint. (Doc. No. 30.) Invoking 28 U.S.C. §1331, Plaintiff challenges a detainer lodged by the State of Oklahoma. The Defendants were served and, on April 26, 2005, filed a motion to dismiss. On June 16, 2005, United States Magistrate Judge Robert E. Bacharach issued a Report and Recommendation recommending Plaintiff's third amended complaint be dismissed and Plaintiff's motion for summary judgment be denied as moot. The Report and Recommendation also notified Plaintiff that any objections to the Report and Recommendation should be filed on or before July 6, 2005.

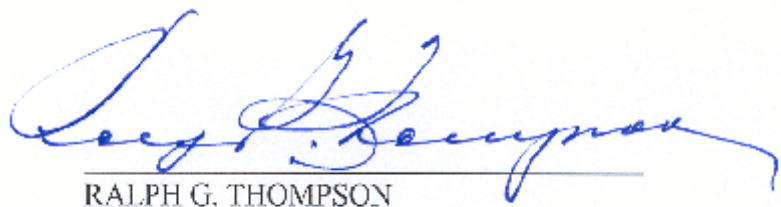
The court of appeals' "firm waiver rule" holds "that a party's objection to the magistrate judge's report and recommendation must be both timely and specific to preserve an issue for *de novo* review by the district court or for appellate review." United States v. One Parcel of Real Property, 73 F.3d 1057, 1060 (10th Cir. 1996). In this case, the court file reveals that Plaintiff failed to file an objection to the Report and Recommendation.¹ Thus, by failing to specifically object to any issue addressed in Judge

¹ Plaintiff also failed to timely file an objection to Judge Bacharach's June 16, 2005, order which denied Plaintiff's request to file a fourth amended complaint.

Bacharach's Report and Recommendation, Plaintiff has waived further review of the issues addressed in the Report and Recommendation.

Accordingly, upon review of the entire court file, the Court ADOPTS the June 16, 2005, Report and Recommendation in its entirety and Petitioner's third amended complaint is dismissed and Plaintiff's motion for summary judgment (Doc. No. 40) is DENIED.

IT IS SO ORDERED this 11th day of July, 2005.



RALPH G. THOMPSON
UNITED STATES DISTRICT JUDGE